

# O'TOOLE SCRIVO

A LIMITED LIABILITY COMPANY

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September 17, 2024

**Via CM/ECF**

Hon. Andre M. Espinosa, U.S.M.J.  
United States District Court, District of New Jersey  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street, Courtroom MLK 2D  
Newark, New Jersey 07101

**Re: *New Wallington Home, LLC, et al. v. Borough of Wallington, et al.*  
Civil Case No.: 20-08178 (CCC) (AME)**

Dear Judge Espinosa:

This firm represents Plaintiffs in this matter. This status letter is sent jointly with counsel for Defendants pursuant to the Court's direction in advance of the telephonic Status Conference scheduled for September 20, 2024, at 10:00 am.

On June 27, 2024, the Court So Ordered the parties' proposed discovery schedule in this matter. [Docket No. 88.] Thereafter, the parties served written discovery demands. On September 3, 2024, Plaintiffs served their responses to Defendants' discovery demands. On September 9, 2024, Defendants served responses to interrogatories on behalf of Defendants, Christopher Assenheimer and the Borough of Wallington, and responses to document demands for all Defendants. The Planning Board's responses to interrogatories remain outstanding.

Additionally, on August 15, 2024, Plaintiffs served Notices to take Depositions of Defendants and other individuals affiliated with the Borough of Wallington and the Planning Board. The depositions were all scheduled to be completed before the Court ordered deadline of September 20, 2024. However, due to Defendants' delay in serving written discovery responses and providing availability for the noticed witnesses,<sup>1</sup> Plaintiffs were forced to adjourn the noticed depositions.

Based on the foregoing, Plaintiffs request that: (1) the Planning Board be compelled to respond to interrogatories as soon as possible, but by no later than September 27, 2024; (2) the current discovery deadlines be extended by 60 days to permit the already noticed depositions to be completed after exchange of written discovery; and (3) Defendants be compelled to provide

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<sup>1</sup> Plaintiffs do note that Defendants' counsel did provide his personal availability for depositions.

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witness availability for deposition dates in October and November by no later than September 27, 2024.

Thank you.

Respectfully submitted,

*/s/ James DiGiulio*  
James DiGiulio

cc: All Counsel of Record (via ECF)